

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

IN RE:) CHAPTER 7
) CASE NO. 97-50088-JDW
CARL TIMITH DAVIS,)
SARAH AUDINE DAVIS,)
)
DEBTORS)

ORDER

On April 16, 1999, Roy J. Boyd, Jr., attorney for Debtor in a personal injury case, filed a Motion To Settle Personal Injury Claim. A hearing on the motion was held on May 27, 1999. Appearing at the hearing was the Chapter 7 Trustee, Mary Jane Cardwell. The attorney for Debtor, Frank Gonzalez, did not appear at the hearing.

At the hearing, Ms. Cardwell reported to the court that Debtor and Debtor's attorney had been uncooperative in her efforts to find out about the details of the personal injury claim. Ms. Cardwell recounted numerous efforts made by her in communications with Mr. Gonzalez to obtain the information she would need to discharge her duties as the trustee in the case. She reports that Mr. Gonzalez was not responsive to her inquiries. Since Mr. Gonzalez did not attend the hearing, he did not have a chance to present any response he might have to the allegations.

While these are serious allegations, the court should not come to any conclusion without hearing from Mr. Gonzalez.

Since he failed to attend the hearing, the matter of the consideration of the motion to approve settlement will be continued to the **24th** day of **June, 1999**, at **9:00 a.m.** in the United States Bankruptcy Court, 3rd Floor, Federal Building, Carswell Street, Waycross, Georgia. At the continued hearing, Mr. Gonzalez will be required to appear and explain his failure to appear at the hearing on the Motion To Approve Settlement and to further explain his conduct in behalf of the Debtor in the administration of this case in failing to cooperate with the trustee.

Lastly, the matter of the consideration of the Motion To Compromise A Controversy will be considered. Mr. Gonzalez will be expected to be fully informed as to the merits of that application at the time of his appearance before the court.

SO ORDERED, this 2nd day of June, 1999.

James D. Walker, Jr.
United States Bankruptcy Judge